

From: [David Fa-Kouri](#)
To: [Dana Tulis/DC/USEPA/US@EPA](#)
Cc: [agc@agcrowe.com](#); [stevenosei@msn.com](#); [james.a.watson@uscg.mil](#); [Sam.Coleman/R6/USEPA/US@EPA](#); [james.a.watson@uscg.mil](#); [thad.w.allen@uscg.mil](#); [mark.g.vanheverbeke@uscg.mil](#); [Sam.Coleman/R6/USEPA/US@EPA](#); [dwight.bradshaw@la.gov](#); [carrol.craig@epa.gov](#); [roland.guidry@la.gov](#); [ctafarro@sbgg.net](#); 'Billy Nungesser'; [david_doss@vitter.senate.gov](#); [kyle_ruckert@vitter.senate.gov](#); [rcaffey@agcenter.lsu.edu](#); [rtwilley@lsu.edu](#); [radair@mcema.net](#); [spencer@repcollier.com](#); [pleasants@ag.state.la.us](#); [wingerteri@ag.state.la.us](#); [tom.harris@la.gov](#); [wcurole@slid.net](#); (b) (6); [beau.brock@la.gov](#); [ben.couhig@mail.house.gov](#); [sanford.phillips@la.gov](#)
Subject: Help with understanding Protocol, time represents contamination
Date: 06/29/2010 06:12 PM
Attachments: [Ag Crowe Formal request Letter recieved June 21 2010 by my office.pdf](#)

Mr.. Tulis,

Thank you for the email I recieved earlier today. I also forwarded you a copy of an email I sent to Louisiana DEQ officials which addressed some of your statements regarding effectiveness of sub surface dispersant use. I would like to discuss these items directly with you at your most available time.

However, I need your assistance in understanding official protocol with this disaster and formal request that was made a week ago as I have a questions, that needs answering.

A week Ago Monday, Senator Ag Crowe from Louisiana made an official request of powers to be at the EPA, US Coast Guard and others at Incident Command for this BP Accident for the approval of use of OIL SPILL EATER II a US EPA NCP approved product.

Attached is a pdf copy of the Official Louisiana Request.

What is protocol regarding such request with respect to 40CFR.

I have spoken to both US Senators' staffs from Louisiana, and still it baffles me why the delay with the decision process. Moreover these few NCP products are being subjected to delays with approval as if they were not previously tested or had the distinction of EPA NCP product schedule listed. Where as the full pedigree of these products is in a data base for governmental official review.

When the request was made to use a difference dispersant, within 24 hours authorization was granted for the use of Corexit 9500a. At that time teh Corexit product (9500A) had no previous recorded history of use with the RRT, as compared to Corexit 9527 and OIL Spill Eater II. Ose II was used on the Osage Indian reservation with conditional use by the RRT region 6. Thus it was experienced.

My question is why the great delays with respect to the EPA, incident commanders and others regarding the approval for use to allow the use of this proven product. Per 40 CFR NCP approved products can be used upon request as stated in 40 CFR providing they are NCP products such as dispersants, other chemicals or bioremediation agents. OSE II is a bioremdiaton agent with unique properties as noted on the US EPA NCP letter. see attached.

In particular my interest is in OSE II as it is proven, safe, effective, cost effective and available. It has a defined endpoint and can be used as a total response product. As a matter of fact, direct interaction between BP and OSEI Corporation only 3 weeks ago addressed: availability of product and pricing whereas measures to increase factory capabilities have been ongoing.



6018747

My direct question to you as the EPA National Incident Coordinator with the office of Emergency Management is:

- What is protocol?
- Why the delays?
- What is the legal time line when we can expect approval for use or notification?

As you know, our state is being contaminated with toxic oil and other chemicals found in the Corexit products as well as other states. The subsurface oil plume is real and burping toxic gases at our shoreline as the subsurface contamination is reaching shore and is damaging our coastal zones.

Time is critically important to mitigate and control this accident, thus far the response by the observations afforded earlier today has not been adequate in my opinion as outlined in the email sent out to you earlier today

OSE II represents a proactive way to mitigate the toxins and damage caused by the oil as it provides a verifiable endpoint of CO₂ and water.

Our state needs help. Time is critically short before future hurricanes cause greater contamination and consequential damages.

Please get back with me directly as Senator Ag Crowe forwarded me a copy of his letter last week as I was the responsible party for delivering this products benefits to the state of Louisiana in an effort to avoid contamination.

I want to be able to directly give him a definite answer regarding his week old request.

Moreover, it is very troubling that all official parties talk of testing this product. Surely, the EPA, RRT and US Coast Guard can review all the testing of the products that have NCP classification. I would imagine this was the very reason the governmental data base exist. In times like these when time is critical a go to data base of information is readily available to make informed decisions.

Please keep in mind, time is critical. I welcome your email or call.

I can be reached at (b) (6) or my pda email is (b) (6)

In closing I appreciate your response and look forward to working directly with you with the hopes of mitigating the consequential damages.

Sincerely

David Fa-Kouri, Consultant
Strategic Consulting Group, LLC
La Economic Foundation, INC.

From: Tulis.Dana@epamail.epa.gov

Date: June 28, 2010 3:04:51 PM CDT

To: (b) (6)

Subject: Response to your EPA Inquiry

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Mr. Fakouri:

Thank you for your email to EPA Administrator Jackson concerning the use of chemical dispersants in response to the BP oil spill in the Gulf of Mexico. EPA shares your concern and continues to work aggressively with the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA) and BP to better understand the potential human and environmental impacts associated with the use of dispersants on the oil spill.

EPA is conducting its own tests to determine if Corexit is the most appropriate dispersant supported by science for this situation and whether there is an effective and less toxic alternative available in the quantities needed for this significant ongoing and continuous oil spill.

BP has been directed by the Coast Guard and EPA to use no more dispersant than is absolutely necessary. However, it is notable that subsea dispersant application is proving to be an effective tool in breaking up the oil and speeding its biodegradation with limited environmental impact. We know that dispersants are less toxic than oil. We know that surface use of dispersants decreases the risks to shorelines and organisms at the surface. We know that dispersants breakdown the oil so that it may be bio-degraded in a matter of weeks rather than remaining for several years as untreated oil might. Dispersants are used when mechanical recovery (skimming and burning) cannot be used.

We have put in place an extensive network to monitor the air, water, and sediments in the affected states. We continuously post and update information about our work and the results of our environmental monitoring at www.epa.gov/bpspill.

Thank you again for your email and your concern about the environment.

Sincerely,
Dana Tulis, Acting Director
Office of Emergency Management
EPA National Incident Coordinator

[Jump to main content.](#)



Emergency Management

[Contact Us](#) **Search:** All EPA Emergency Management

- You are here: [EPA Home](#)
 - [Emergency Management](#)
 - [NCP Subpart J](#)
 - [NCP Product Schedule](#)
 - OIL SPILL EATER II
-

Navigation

- [Home](#)
- [Our Programs](#)
- [Our Partners](#)
- [Information Sources](#)

OIL SPILL EATER II



Quickfinder

- [Border Programs](#)
- [CAMEO](#)
- [EPCRA](#)
- [Facility Response Plan](#)

- [Freshwater Spills Symposia](#)
- [Hurricanes](#)
- [LEPCs](#)
- [List of Lists](#)
- [Local Governments Reimbursement](#)
- [National Response System](#)
- [NCP Product Schedule](#)
- [Natural Disasters](#)
- [Regional Contacts](#)
- [Risk Management Plan](#)
- [RMP*eSubmit](#)
- [SERCs](#)
- [SPCC Rule](#)
- [Tier2 Submit](#)
- [More...](#)

TECHNICAL PRODUCT BULLETIN #B-53
 USEPA, OFFICE OF EMERGENCY MANAGEMENT
 REGULATION AND POLICY DEVELOPMENT DIVISION
 ORIGINAL LISTING DATE: AUGUST 26, 1996
 REMOVAL DATE: AUGUST 16, 2005
 RELISTING DATE: SEPTEMBER 18, 2009
 "OIL SPILL EATER II (OSE II)"

I. NAME, BRAND, OR TRADEMARK

OIL SPILL EATER II (OSE II)

Type of Product: Bioremediation Agent (Biological Enzyme Additive [previously listed as a Nutrient Additive])

II. NAME, ADDRESS, AND TELEPHONE NUMBER OF MANUFACTURER/CONTACT

OSEI Corporation (Formerly Sky Blue Chems)
 P.O. Box 515429
 Dallas, TX 75251-5429
 Phone: (972) 669-3390
 E-mail: oseicorp@msn.com
 Web Site: <http://www.osei.us/>
 (Mr. Steven Pedigo, Chairman, CEO, Inventor)

III. NAME, ADDRESS, AND TELEPHONE NUMBER OF PRIMARY DISTRIBUTORS

OSEI Corporation (Formerly Sky Blue Chems)
 P.O. Box 515429
 Dallas, TX 75251-5429
 Phone: (972) 669-3390
 E-mail: oseicorp@msn.com
 Web Site: <http://www.osei.us/>
 (Mr. Steven Pedigo, Chairman, CEO, Inventor)

o

IV. SPECIAL HANDLING AND WORKER PRECAUTIONS FOR STORAGE AND FIELD

APPLICATION

1. Flammability: Water-based, non-flammable
2. Ventilation: Needs no ventilation; aqueous-based product; does not emit hazardous vapors
3. Skin and eye contact; protective clothing; treatment in case of contact: OSE II is not a primary dermal irritant. Avoid eye contact, and wear goggles if possible for the spray to come in direct contact with eyes. Facilities for quick and copious eye flushing should be provided and prompt medical attention should be sought if exposure and irritation persists. Protective rubber gloves are suggested during handling. Before mixing the product has a smell of fermentation. The product does not give off any harmful vapors.
- 4.a. Maximum storage temperature: 120°F
- 4.b. Minimum storage temperature: None; OSE II can freeze and thaw without adverse effects
- 4.c. Optimum storage temperature range: 72°F
- 4.d. Temperatures of phase separations and chemical changes: 120°F

V. SHELF LIFE

OSE II has a recommended shelf life of 5 years. After 5 years at optimum storage temperature, there is an approximate 10% decrease per year in product capability.

VI. RECOMMENDED APPLICATION PROCEDURE

1. Application Method:

- A. Use surface spray apparatus, such as small hand held tanks, back pack, large mixing tanks with mechanical pumping devices, vessels with booms for spraying wide paths, or spray devices on airplanes or helicopters.
- B. OSE II can be applied by eductor systems from vessels, fire trucks, etc. Set the eductor system to 2% and apply 1 gallon of mixed OSE II to each spilled gallon of hydrocarbon.

2. Concentration/Application Rate:

General - OSE II generally takes 3 to 30 minutes to penetrate the molecular walls of hydrocarbons. However, once you spray OSE II on the hydrocarbons, OSE II attaches itself and will eventually engulf the hydrocarbons regardless of where the hydrocarbons may spread on the surface of salt or fresh water. Additionally, once you spray OSE II, the hydrocarbons cannot attach itself to the shoreline, rocks, or any equipment in its path. OSE II breaks down the adhesion properties of hydrocarbons and causes hydrocarbons to float, thereby, eliminating secondary contamination of the water column or any other areas, and holding the contaminated area to the waters surface, the original contaminated area.

- If OSE II is to be used on ocean spills or on intertidal zones OSE II should be mixed with ocean water.
- If OSE II is to be used on lakes, rivers, streams, ponds, or on land mix the product with water from a lake, stream, or pond.
- If you are performing a clean up, make sure the water used to mix with OSE II, and the water used to keep the area saturated, is the type of water normally associated with that area.
- If you use fresh water in an area normally contacted with salt water or vice versa, the different types of bacteria and competition could occur, not to

mention the problems with salinity for fresh water organisms.

[Note: Do not mix tap water with OSE II if possible: Chlorine in tap water slows bacterial enhancement]

Spills on Water:

Dilute each gallon of OSE II with 50 gallons of fresh, brackish, or salt water - depending on the water associated with the area that has been impacted by the spill. Apply OSE II at a ratio of 1 gallon mixed OSE II to each gallon of hydrocarbon spilled. Apply using hand held sprayers, tank sprayers, booms from vessels, helicopters, or airplanes; by spraying the perimeter first then working toward the middle of the spilled area. Next spray the entire surface of the spill. If the spill is very heavy (more than 2 inches thick) it is recommended that OSE II be applied every day until you have met a 1:1 ratio of OSE II and water mixture to spilled oil/hydrocarbons.

- Use 1 gallon OSE II for every 50 gallons of hydrocarbons.
- Use 1 drum of OSE II for every 2,750 gallons of hydrocarbons.
- If you know gallons of hydrocarbons spilled, multiply gallons of hydrocarbons by 0.02 to get amount of OSE II needed [gallons of hydrocarbons x 0.02 = gallons of OSE II].
- If you know barrels of crude oil spilled, multiply barrels of crude oil by 0.015 to get drums of OSE II needed [barrels of crude oil x 0.015 = drums of OSE II].
- If you do not know gallons of hydrocarbons or barrels of crude oil, multiply size of spill by 0.0023 to get drums of OSE II needed or by 0.12 to get gallons of OSE II needed [(yards long x yards wide x inches thick) x 0.0023 = drums of OSE II or (yards long x yards wide x inches thick) x 0.015 = gallons of OSE II].

Intertidal Zone:

Mix each 55 gallon drum of OSE II with 2,750 gallons of fresh, brackish, or salt water. The water used is determined by the type of water associated with the site. OSE II should be applied as the tide recedes (if there is a tide) and once the tide comes in the application should cease until the tide recedes again. Additional applications should only be warranted if spill has been allowed time to percolate into the depths of the soil.

If there is no tide, but waves have pushed the spill into the intertidal zone, then there will be direct access to the spill at all times. If possible use string or stakes to grid off the beach or intertidal zone area, and then you can calculate how much premixed OSE II to apply to a given area. If unable to grid off an area then calculate how much OSE II to apply and then determine how much premixed OSE II will flow through a nozzle (gallons per minute) then let application technician know how many gallons to apply in a given area and this can be determined by applying product for a certain time period to get the correct amount of OSE II applied to gain the 1:1 ratio.

Note: If the intertidal zone is associated with the sea then mix OSE II with salt water. If the spill area is in an area of brackish water then mix OSE II with brackish water. If the intertidal zone is associated with fresh water such as lakes, rivers, streams, ponds, creeks, aquifers, or drinking water wells then use fresh water to mix OSE II.

3. Conditions for Use:

- OSE II can remediate hydrocarbon-based material including chlorinated hydrocarbons, PCB's, dioxins, and some pesticides.
- As the age of spilled hydrocarbons increases, the time necessary for bioremediation increases. In general, fresh crude, gasoline or BTEX takes from 72 hours to 30 days to completely bioremediate.
- Variations of sea water salinity should have no effect, but as long as microbial life can exist, then OSE II will be effective.
- OSE II bioremediation slows somewhat at temperatures below 40°F. OSE II however, will continue to work at any liquid water temperature that will sustain microbial life.

VII. TOXICITY AND EFFECTIVENESS

a. Effectiveness:

Summary Data Table:

DAYS	PRODUCT 3 REPS/PROD	TOTAL MEAN ALKANES (ppm)	RED% 28 DAYS	TOTAL MEAN AROMATICS (ppm)	RED% 28 DAYS
0	CONTROL	43,170	-	11,435	-
	NUTRIENT	40,569	-	11,785	-
	OSE II	41,730	-	12,155	-
7	CONTROL	39,250	9.1	10,355	9.4
	NUTRIENT	34,815	14.2	9,898	16.0
	OSE II	26,316	36.9	8,072	33.6
28	CONTROL	35,797	17.1	9,534	16.6
	NUTRIENT	26,507	34.7	8,938	24.2
	OSE II	4,273	89.8	1,268	89.6

Results of Gravimetric Analysis:

Percentage (%) Decrease in Weight of Oil on Day 28

Control: 16.5%

Nutrient: 52.0%

Product: 85.4%

VIII. MICROBIOLOGICAL ANALYSIS

1. Listing of each component of the total formulation, other than enzymes, by chemical name and percentage by weight: CONFIDENTIAL
2. Enzyme Names: CONFIDENTIAL
3. I.U.B.: CONFIDENTIAL
4. Source of Enzymes: Fermentation process
5. Units: No less than 1% and no more than 50% by weight
6. Specific Gravity: 1.05
7. Optimum Conditions:

- a. pH: 7.0
- b. Temperature: 72°F
- c. Salinity Ranges: Fresh water to salt water
- d. Maximum and Minimum pH: 3.5 - 8.0
- e. Maximum and Minimum Temperature: 28°F - 128°F
- f. Maximum and Minimum Salinity Levels - Salinity level above that will support microbial activity will adversely effect OSE II's performance
- g. Enzyme Shelf Life: Up to 5 years when properly stored
- h. Enzyme Optimal Storage Conditions: 72°F is optimal, enzyme range is freezing to 120°F, never leave OSE II in direct sunlight for more than a couple of hours

IX. PHYSICAL PROPERTIES

NA

X. ANALYSIS OF HEAVY METALS, CYANIDE, AND CHLORINATED HYDROCARBONS

NA

Local Navigation

- [Emergency Management Home](#)
- [Basic Information](#)
- [Where You Live](#)
- [About Us](#)
- [Newsroom](#)
- [Laws & Regulations](#)
- [Policy & Guidance](#)
- [Publications](#)
- [Databases & Tools](#)
- [Site Map](#)

-
- [EPA Home](#)
 - [Privacy and Security Notice](#)
 - [Contact Us](#)

[Jump to main content.](#)